HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6930 OF 2006

DATED: 10.4.2006

Between:

Boorla Srinivas

… Petitioner

and

Andhra Pradesh State Civil
Supplies Corporation Limited and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.6930 OF 2006

ORAL ORDER:

Shorn off all the padding, the grievance in this writ petition is as regards the failure of the respondents in paying the petitioner the transport bills for three months and releasing the security deposit and bank guarantee furnished by him in respect of a subsisting transport contract between the petitioner and the 1st respondent-Corporation for the year 2004-2005. The contract period expired on 31.8.2005.

According to the petitioner, there is a dispute regarding an amount of Rs.3,59,376/- in respect of an alleged offence committed by the petitioner during the course of performance of the contract, of transport of essential commodities. The petitioner pleads that even withholding the amount of Rs.3,59,376/-, the respondents are due to the petitioner further amounts towards the transport bills. The respondents ought to have paid the balance amounts after withholding the disputed amount. According to the petitioner, the respondents are

also obligated to refund the security deposit and return the bank guarantee.

The relationship between the petitioner and the respondents is under a contract which is not statutory in character. The dispute is a post-contractual, of such a non-statutory contract. The appropriate remedy is before the civil court of competent jurisdiction and not before this court, under Article 226 of the Constitution of India; vide M/S RADHAKRISHNA AGARWAL V. STATE OF BIHAR (1.) and THE ASSISTANT EXCISE COMMISSIONER V. ISSAC PETER (2.).

For the aforesaid reasons and on the analysis above, the writ petition is dismissed with liberty to the petitioner to pursue the appropriate remedies before the appropriate forum. Nothing in this order shall be construed as an expression by this court on the merits of the petitioner's claim herein. No order as to costs.

GODA RAGHURAM, J

Date: 10.4.2006

cvm

1. AIR 1977 SC 1496
2. 1994 (4) SCC 104